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Attorneys for Plaintiff DONALD MASTERS

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

DONALD MASTERS,

Plaintiff,

v.

BOSTON SCIENTIFIC CORPORATION,  
BOSTON SCIENTIFIC CORPORATION  
2000 LONG TERM INCENTIVE PLAN, and  
DOES 1 through 50,

Defendants.

CASE NO. 5-07-03792 (JW)

**NOTICE OF MOTION AND MOTION  
BY PLAINTIFF DONALD MASTERS  
FOR LEAVE TO SERVE ADDITIONAL  
INTERROGATORIES**

Date: June 3, 2008

Time: 10:00 a.m.

Place: Courtroom 2, 5<sup>th</sup> Floor

Judge: Magistrate Judge Howard R. Lloyd

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that on June 3, 2008, at 10:00 a.m., in Courtroom 2, on the 5<sup>th</sup> Floor of the United States District Court for the Northern District of California, located at 280 South 1st Street, San Jose, California 95113, before the Honorable Howard R. Lloyd, plaintiff Donald Masters will and hereby does move this Court for an order granting leave to serve additional interrogatories on defendant Boston Scientific Corporation on the grounds that:

- (1) the discovery sought is not unreasonably cumulative or duplicative, and it cannot be obtained from some other source that is more convenient, less burdensome, or less expensive;
- (2) plaintiff Donald Masters has not had ample opportunity to obtain the information by discovery in the action;
- (3) the burden or expenses of the proposed discovery does not outweigh its likely benefit; and

1 (4) each interrogatory is necessary to the pending action.

2 This motion is based on this Notice of Motion and Motion by Plaintiff Donald Masters for  
3 Leave to Serve Additional Interrogatories, the supporting Memorandum of Points and Authorities  
4 and Declaration of James M. Robinson filed concurrently herewith, the pleadings, records and files  
5 in this action, and on such oral argument as may be presented at the time of the hearing, as well as  
6 all other matters this Court deems to be appropriate.

7 DATED: April 24, 2008

SHOPOFF & CAVALLO LLP

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9 By \_\_\_\_\_/s/  
10 James M. Robinson  
11 Attorneys for Plaintiff  
12 DONALD MASTERS  
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